

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

THE NEIMAN MARCUS GROUP, INC.

and

Case 31-CA-074295

SHEILA MONJAZEB

ORDER DENYING MOTION

The Respondent's Motion to Dismiss Complaint is denied. The Respondent has failed to establish that it is entitled to judgment as a matter of law.¹

Dated, Washington, D.C., May 10, 2013.

MARK GASTON PEARCE,	CHAIRMAN
RICHARD F. GRIFFIN, JR.,	MEMBER
SHARON BLOCK,	MEMBER

¹ The Respondent contends that the Board lacks a quorum because the President's recess appointments are constitutionally invalid, that the Board's appointment of the Regional Director for Region 31 is also invalid because the Board lacked a quorum at the time of the appointment, and that therefore the complaint in this proceeding is void ab initio. The Respondent also asserts that the complaint lacks a legal basis because former Member Becker's participation in *D.R. Horton*, 357 NLRB No. 184 (2012), renders that case a nullity. In addition, the Respondent appears to argue that the Acting General Counsel lacks the power to investigate and prosecute charges of unfair labor practices in the absence of a Board quorum. For the reasons stated in *Bloomington's Inc.*, 359 NLRB No. 113 (2013), these arguments are rejected.